REMARKS

Claims 1-17 remain in this application. Claims 1-4 and 14-17 have been allowed. Claims 1, 4-6, 10, 11, and 14 have been amended. Claim 4 has been objected to, and claims 5-13 have been rejected.

Claim Objection

Claim 4 has been "objected to because of the following informalities: the use of 'can' renders the claims language indefinite." Claim 4 has been amended to comply with the Examiner's request.

Claim Rejections

Claims 5-8 and 10-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,838,750 ("Ryanaski") in view of U.S. Patent Number 4,484,303 ("Provanzano"). Claim 9 has been rejected under § 103(a) as being unpatentable Ryanaski in view of Provanzano and in further view of an Official Notice.

Claims 5 and 10 are the only rejected independent claims. Claims 5 and 10, as amended, are each limited to a "slave device operable in an agile mode" for interpreting a "first-type message frame having only first data characters" and a "second-type message frame having only second data characters."

To establish a *prima facie* case of obviousness "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Manual of Patent Examining Procedure ("MPEP"), Eighth Edition Incorporating Revision No. 2, May 2004, § 2143, p. 2100-129 (emphasis added). Neither one of Ryanaski and Provanzano teaches or suggests a "slave device operable in an agile mode" that interprets a "first-type message frame having only first data characters" and a "second-type message frame having only second data characters."

Ryanaski is directed to a transmitter that sends a message signal packet having mixed data. "The packet includes data arranged according to mixed protocols." Abstract (emphasis added). Describing the communication system as having "both ASCII data" and data "formatted in a protocol different from the ASCII protocol," Ryanaski explains that the "present invention detects the different protocol anywhere within the ASCII data string." Column 3, lines 19-24. Further, the sole claim is limited to "transmitting said

message signal packet including data in both of said first and second standard data transmission formats." (emphasis added). Thus, Ryanaski is directed to receiving data by combining two protocols in a single frame. In contrast, the current invention is directed to receiving data of a single protocol in a single frame.

Provanzano was cited for the teaching that "the ASCII protocol is identified by use of a colon," which is irrelevant to a message frame having data characters of only one type. Office Action at p. 3. Further, Provanzano only teaches a programmable controller that "can utilize the ASCII mode of communication or the RTU (remote terminal unit) mode of protocol." Column 29, lines 22-23 (emphasis added). Thus, the Provanzano controller is not a "slave device operable in an agile mode," wherein the controller is able to switch between two different protocols.

Accordingly, the Applicant respectfully submits that claims 5 and 10, along with all the claims dependent thereon, are not obvious in view of Ryanaski or Provanzano for at least the above-described applicable reasons.

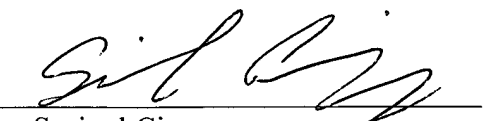
Conclusion

Reconsideration of this application in light of the foregoing remarks is respectfully requested.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47181-00209.

Respectfully submitted,

Date: September 14, 2004

By 

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